

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
ON APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Gilbert Levesque, et al.
Serial No.: 09/824,997
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Group Art Unit: 2157
Examiner: El Hadji Malick Sall
Confirmation No.: 1332
Title: FILTERING NETWORK MANAGEMENT MESSAGES

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

AMENDED APPEAL BRIEF

Appellants have appealed to this Board from the decision of the Examiner, contained in a Final Office Action mailed August 12, 2005 (“*Final Office Action*”) and the Advisory Action mailed December 16, 2005 (“*Advisory Action*”), finally rejecting Claims 1-18. Appellants mailed a Notice of Appeal on January 12, 2006. Appellants submitted an Appeal Brief for consideration of the Board on March 13, 2006. Appellants received a Notice of Non-Compliant Appeal Brief dated March 22, 2007. Appellants submit this Amended Appeal Brief for consideration of the Board.

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REAL PARTY IN INTEREST

The real party in interest for this Application under appeal is Fujitsu Network Communications, Inc.

RELATED APPEALS AND INTERFERENCES

The Appellants, the undersigned Attorney for Appellants, and the Assignee know of no applications on appeal that may directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 1-18 were rejected by the *Final Office Action*. Appellants present all pending claims for appeal – Claims 1-18 – and set forth these claims in Appendix A.

STATUS OF AMENDMENTS

The claims on appeal and which appear in Appendix A of this Appeal Brief represent the form of the claims as of the time of the *Final Office Action* dated August 12, 2005. Appellants filed no amendments to the claims after the *Final Office Action*.

SUMMARY OF CLAIMED SUBJECT MATTER

The claims of the present application are directed to methods for processing a network management message and associated components used to implement the methods. A network management message can include any communications with a variety of network elements (16) for creating, updating, configuring, obtaining status, monitoring operation, or performing other suitable functions. Specification, p. 6, ll. 22-25; *id.* at Figure 1. A server (12) provides an interface for clients (14) to issue network management commands (or other messages) to the network elements and receive responses, acknowledgements, and other types of network management messages from the network elements. *Id.* at p. 6, ll. 4-11 & 20-22; *id.* at Figure 1. Each client includes one or more consoles (22), which can display network management messages received through the server in real-time, buffered, a combination of real-time and buffered, or other suitable ways. *Id.* at p. 7, ll. 10-20; *id.* at Figure 1.

Each console receives network management messages, or particular fields of parsed network management messages, from the server based on filtering criteria established for that console. *Id.* at p. 7, ll. 29-32. The filtering criteria associated with a console can be unique or identical to other consoles and can include a user type and/or filtering options selected by a user of the console. *Id.* at p. 7, l. 29 - p.8, l. 4. A user of a client may establish a plurality of consoles that each display network management messages according to the console's filtering criteria. *Id.* at p. 8, ll. 2-8.

The server may include a communication server (26), which includes a log agent (36). *Id.* at Figure 1. When the server receives a network management message, the communication server parses the message into fields and sends the parsed message to the log agent. *Id.* at p. 13, ll. 7-19. The log agent stores the parsed message and communicates particular fields of the parsed message to some, all, or none of the consoles based on the filtering criteria associated with each console. *Id.* at p. 13, ll. 20-23; *id.* at p. 14, ll. 18-21

The following discussion identifies the claimed means plus function limitations and, for each such limitation, provides example structures and discussion in the specification for performing the recited functions:

1. means for receiving a network management message

Example structures for performing the recited function include server 12, clients 14, network elements 16, console 22, application server 24, communication server 26, and log agent 36, as described in the specification at 6:4-11, 6:20-27, 7:10-8:13, 12:4-24, 13:3-14:21, 18:31-19:5, 19:12-20:19, 20:20-22, and 20:30-32.

2. means for parsing the network management message into a plurality of fields

Example structures for performing the recited function include server 12, clients 14, network elements 16, console 22, application server 24, communication server 26, and log agent 36, as described in the specification at 6:4-11, 6:20-27, 11:19-12:24, 13:3-15:3, 19:27-20:22, 20:30-21:5, and 21:13-20.

3. means for determining whether particular ones of the plurality of fields of the parsed network management message satisfy the filtering criteria associated with that client console

Example structures for performing the recited function include server 12, client 14, console 22, communication server 26, and log agent 36, as described in the specification at 6:4-11, 13:3-14:21, 16:19-17:6, 17:31-18:25, 20:4-19, and 21:13-32.

4. means for communicating the particular fields of the parsed network management message determined to satisfy the filtering criteria to that client console for display by that client console

Example structures for performing the recited function include server 12, clients 14, GUI 18, COBRA interface 20, console 22, application server 24, communication server 26, and log agent 36, as described in the specification at 6:4-11, 6:30-7:9, 7:10-8:13, 8:14-32, 13:3-14:21, 15:4-16:8, 17:7-27, 18:25-31, 18:31-19:5, 20:4-19 and 21:13-32.

5. means for receiving a request from a new client console, the request comprising an identifier for the new client console filtering options selected for the new client console

Example structures for performing the recited function include server 12, client 14, COBRA interface 20, console 22, communication server 26, and log agent 36, as described in the specification at 7:10-8:13, 8:14-32, 13:3-14:21, 15:4-16:18, and 17:28-19:5.

6. means for determining a user type for the new client console based on the identifier

Example structures for performing the recited function include server 12, client 14, console 22, communication server 26, and log agent 36, as described in the specification at 7:10-8:13, 13:3-14:21, and 18:3-21.

7. means for generating filtering criteria for the new client console based on the filtering options and the user type

Example structures for performing the recited function include server 12, client 14, console 22, communication server 26, and log agent 36, as described in the specification at 7:10-8:13, 13:3-14:21, 15:4-16:18, and 17:28-19:5.

8. means for determining a message identifier from the fields

Example structures for performing the recited function include server 12, clients 14, network elements 16, communication server 26, and application server 24, as described in the specification at 11:8-12:24.

9. means for determining a client identifier associated with the message identifier

Example structures for performing the recited function include server 12, clients 14, network elements 16, communication server 26, and application server 24, as described in the specification at 11:8-12:24, 21:13-20.

10. means for identifying the client based on the client identifier

Example structures for performing the recited function include server 12, clients 14, network elements 16, communication server 26, and application server 24, as described in the specification at 11:8-12:24, 21:13-20.

11. means for generating a second message comprising the fields and the client identifier

Example structures for performing the recited function include server 12, clients 14, network elements 16, communication server 26, and application server 24, as described in the specification at 11:8-12:24, 21:13-20.

12. means for communicating the second message to the client

Example structures for performing the recited function include server 12, clients 14, network elements 16, communication server 26, and application server 24, as described in the specification at 11:8-12:24, 21:13-20.

A. Claim 1 - Independent

A method for processing a network management message comprising:
receiving a network management message;
parsing the network management message into a plurality of fields; and
for each of a plurality of client consoles each having associated filtering criteria:

determining whether particular ones of the plurality of fields of the parsed network management message satisfy the filtering criteria associated with that client console;
and

communicating the particular fields of the parsed network management message determined to satisfy the filtering criteria to that client console for display by that client console.

See, e.g., Figure 1 (12, 14, 16, 18, 20, 22, 24, 26, and 36), Figure 2 (22), Figure 3 (60), Figure 4 (70), Figure 5 (118, 120, 122, 124, 126), Figure 6 (155, 162, 164, 166, 168, 170, 172, 174, 180, 182), and Figure 7 (200, 202, 204, 206, 210, 218, 220, 222, 226, 230), and in the specification at 6:4-11, 6:20-27, 6:30-7:9, 7:10-8:13, 8:14-32, 11:19-12:24, 13:3-15:3, 15:4-16:8, 16:19-17:6, 17:7-27, 17:31-18:25, 18:25-31, 18:31-19:5, 19:12-20:19, 20:20-22, 20:30-21:5, and 21:13-32.

B. Claim 9 - Independent

Logic for processing a network management message, the logic encoded in a storage medium and operable to:

receive a network management message;
parse the network management message into a plurality of fields; and
for each of a plurality of client consoles each having associated filtering criteria:

determine whether particular ones of the plurality of fields of the parsed network management message satisfy the filtering criteria associated with that client console; and

communicate the particular fields of the parsed network management message determined to satisfy the filtering criteria to that client console for display by that client console.

See, e.g., Figure 1 (12, 14, 16, 18, 20, 22, 24, 26, and 36), Figure 2 (22), Figure 3 (60), Figure 4 (70), Figure 5 (118, 120, 122, 124, 126), Figure 6 (155, 162, 164, 166, 168, 170, 172, 174, 180, 182), and Figure 7 (200, 202, 204, 206, 210, 218, 220, 222, 226, 230), and in the specification at 6:4-11, 6:20-27, 6:30-7:9, 7:10-8:13, 8:14-32, 11:19-12:24, 13:3-15:3, 15:4-16:8, 16:19-17:6, 17:7-27, 17:31-18:25, 18:25-31, 18:31-19:5, 19:12-20:19, 20:20-22, 20:30-21:5, and 21:13-32.

C. Claim 14 - Independent

An apparatus for processing a network management message comprising:
means for receiving a network management message;
means for parsing the network management message into a plurality of fields; and
for each of a plurality of client consoles each having associated filtering criteria:

means for determining whether particular ones of the plurality of fields of the parsed network management message satisfy the filtering criteria associated with that client console; and

means for communicating the particular fields of the parsed network management message determined to satisfy the filtering criteria to that client console for display by that client console.

See, e.g., Figure 1 (12, 14, 16, 18, 20, 22, 24, 26, and 36), Figure 2 (22), Figure 3 (60), Figure 4 (70), Figure 5 (118, 120, 122, 124, 126), Figure 6 (155, 162, 164, 166, 168, 170, 172, 174, 180, 182), and Figure 7 (200, 202, 204, 206, 210, 218, 220, 222, 226, 230), and in the specification at 6:4-11, 6:20-27, 6:30-7:9, 7:10-8:13, 8:14-32, 11:19-12:24, 13:3-15:3, 15:4-16:8, 16:19-17:6, 17:7-27, 17:31-18:25, 18:25-31, 18:31-19:5, 19:12-20:19, 20:20-22, 20:30-21:5, and 21:13-32.

D. Claim 18 - Independent

A communication system comprising:

a client operable to generate a common object request broker architecture (CORBA) command targeted at a network element and to communicate the CORBA command to a server;

the server operable to receive the CORBA command, to determine fields for a transaction language 1 (TL1) command based on the CORBA command, to generate the TL1 command using the fields, to communicate the TL1 command to the network element, and, for each of a plurality of client consoles each having associated filtering criteria, to determine whether particular ones of the plurality of fields of the parsed network management message satisfy the filtering criteria associated with that client console and to communicate the particular fields of the parsed network management message determined to satisfy the filtering criteria to that client console for display by that client console.

See, e.g., Figure 1 (12, 14, 18, 20, 22, 24, 26, 36), Figure 2 (22), Figure 3 (60), Figure 4 (70), Figure 5 (124, 126), Figure 6 (150, 152, 154, 155, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182), and Figure 7 (200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230) and as described in the specification at 6:4-11, 6:30-7:9, 7:10-8:13, 8:14-32, 9:1-10:12, 10:30-12:3, 12:9-24, 12:32-13:2, 13:3-14:21, 15:4-16:8, 16:19-17:6, 17:7-27, 17:31-18:25, 18:25-31, 18:31-19:5, 19:6-20:19, and 20:20-21:32.

E. Claim 5 - Dependent

The method of Claim 1, wherein the filtering criteria comprise a message type and a user type, and the fields satisfy the filtering criteria if a value for a selected one of the fields matches the message type and the user type indicates an authorization to receive the message.

See citations for Claim 1; also see, e.g., Figure 1 (22, 28, 38), Figure 3 (22, 62), Figure 5 (110, 112, 126), Figure 6 (180), and Figure 7 (218) and in the specification at 3:19-27, 7:29-8:13, 14:6-21, 16:19-28, and 18:8-19.

F. Claim 11 - Dependent

The logic of Claim 9, wherein the filtering criteria comprise a message type and a user type, and the fields satisfy the filtering criteria if a value for a selected one of the fields matches the message type and the user type indicates an authorization to receive the message.

See citations for Claim 9; also see, e.g., Figure 1 (22, 28, 38), Figure 3 (22, 62), Figure 5 (110, 112, 126), Figure 6 (180), and Figure 7 (218) and in the specification at 3:19-27, 7:29-8:13, 14:6-21, 16:19-28, and 18:8-19.

G. Claim 15 - Dependent

The apparatus of Claim 14, wherein the filtering criteria comprise a message type and a user type, and the fields satisfy the filtering criteria if a value for a selected one of the fields matches the message type and the user type indicates an authorization to receive the message.

See citations for Claim 14; also see, e.g., Figure 1 (22, 28, 38), Figure 3 (22, 62), Figure 5 (110, 112, 126), Figure 6 (180), and Figure 7 (218) and in the specification at 3:19-27, 7:29-8:13, 14:6-21, 16:19-28, and 18:8-19.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- I. Appellants request that the Board review the Examiner's rejection of Claims 1-17 under 35 U.S.C. § 102(e) as unpatentable over U.S. Patent No. 6,847,989 issued to Chastain, et al. ("Chastain").
- II. Appellants request that the Board review the Examiner's rejection of Claim 18 under 35 U.S.C. § 103(a) as unpatentable over *Chastain* in view of U.S. Patent No. 6,731,627 issued to Gupta, et al. ("Gupta").

ARGUMENT

I. *Chastain* fails to describe, expressly or inherently, at least three elements required by Claims 1-17.

Consider Appellants' independent Claim 1 recites:

A method for processing a network management message comprising:
receiving a network management message;
parsing the network management message into a plurality of fields;
and
for each of a plurality of client consoles each having associated filtering criteria:

determining whether particular ones of the plurality of fields of the parsed network management message satisfy the filtering criteria associated with that client console; and

communicating the particular fields of the parsed network management message determined to satisfy the filtering criteria to that client console for display by that client console.

Appellants respectfully submit that *Chastain* fails to describe, expressly or inherently, every element of this claim, and therefore the Examiner's § 102 rejection based on *Chastain* must fail. *See In re Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1950 (Fed. Cir. 1999) (stating that a single prior art reference must describe, either expressly or inherently, each and every element of the claim in order to anticipate a claim under 35 U.S.C. § 102(e)).

Among other elements, *Chastain* fails to describe: (1) determining, for each of a plurality of client consoles, whether particular fields of the parsed message satisfy the filtering criteria associated with that client console, (2) communicating the particular fields of the parsed message to the client console, and (3) dependent claims 5, 11, and 15 include additional separately patentable limitations.

In general, *Chastain* provides a method "for creating mail rules using existing electronic messages." *Chastain*, col. 8, ll. 23-25. The rules are generated to automatically manipulate future messages in the same way that a user has chosen to manipulate previous messages. *Id.*, col. 5, ll. 58-63. After the user tells the system to create a rule, the system "parses through the selected message or messages and looks for commonality or specific characteristics." *Id.*, col. 5, l. 63 - col. 6, l. 4. After generating a potential rule, the system presents that rule to the user, who can accept, modify, or reject the proposed rule. *Id.*, col. 6, ll. 4-10. If the user accepts the rule, the system saves the rule and applies it to other

electronic messages the user receives. *Id.*, col. 2, ll. 42-43; *id.*, col. 8, ll. 27-29. Also, Appellants respectfully submit that *Chastain* fails to address any aspects of processing network management messages, and thus fails to teach every element of Claim 1.

A. *Chastain* fails to disclose determining, for each of a plurality of client consoles, whether particular fields of the parsed message satisfy the filtering criteria associated with that client console.

Claim 1 requires “for each of a plurality of client consoles each having associated filtering criteria: determining whether particular ones of the plurality of fields of the parsed network management message satisfy the filtering criteria associated with that client console.” Appellants respectfully submit that *Chastain* fails to disclose these claimed aspects.

As teaching the plurality of client consoles each having associated filtering criteria, the *Advisory Action* points to: Figure 1, items 108, 110, and 112; column 6, lines 9-17; and column 2, lines 14-18. *Advisory Action*, p. 2. The Examiner, thus, apparently asserts that the clients 108, 110, and 112 disclose the claimed client consoles.

Chastain teaches that each client 108, 110, and 112 sends and receives email messages through email programs or applications located on the client. *Chastain*, col. 3, ll. 45-48. The Examiner asserts that these email messages disclose the claimed network management message. *Final Office Action*, p. 3. In *Chastain*, after a user receives an email message, the user may initiate generation of a rule on his client in a variety of ways. *See, e.g., Chastain*, col. 7, ll. 13-17. In response to the user’s request for a rule, the client parses the email message or messages. *Id.*, col. 7, l. 63 - col. 8, l. 8 (“The process begins by receiving user input to manipulate the electronic message.”). The client may present a parsed email message to the user so that the user may approve or disapprove of the rule suggested by the client. *Id.*, col. 8, ll. 11-13.

This disclosure of *Chastain* fails to teach or even suggest “for each of a plurality of client consoles each having associated filtering criteria: determining whether particular ones of the plurality of fields of the parsed network management message satisfy the filtering criteria associated with that client console.” *See* Claim 1. Even assuming, for the sake of argument, that the plurality of client consoles is taught by clients 108, 110, and 112 and the network management message is taught by *Chastain*’s email message, *Chastain* fails to teach

determining whether fields of a single parsed email message satisfy the filtering criteria associated with each of a plurality of clients (e.g. 108, 110, and 112). *Chastain's* separate clients each operating independently do not disclose, either expressly or inherently, these aspects of Claim 1.

Thus, *Chastain* does not disclose, expressly or inherently, “for each of a plurality of client consoles each having associated filtering criteria: determining whether particular ones of the plurality of fields of the parsed network management message satisfy the filtering criteria associated with that client console,” as required by Claim 1. Independent Claims 9 and 14 include limitations that, for substantially similar reasons, are not disclosed by *Chastain*. Because *Chastain* does not disclose, expressly or inherently, every element of independent Claims 1, 9, and 14 and their respective dependent claims, Appellants respectfully request the Board to reverse the Examiner’s rejection of Claims 1-17 and direct the Examiner to issue a notice of allowance.

B. *Chastain* fails to disclose communicating the particular fields of the parsed message to the client console.

Claim 1 also requires “communicating the particular fields of the parsed network management message determined to satisfy the filtering criteria to that client console for display by that client console.” Appellants respectfully submit that *Chastain* fails to disclose these claimed aspects.

As noted above, the Examiner seems to assert that *Chastain's* clients (108, 110, and 112) disclose the claimed client consoles. However, *Chastain* fails to teach or suggest that e-mail parsing and rule generation are accomplished on a device other than one of clients 108, 110, and 112. *See, e.g., id.*, col. 5, l. 56 - col. 6, l. 10. For at least this reason, *Chastain* fails to describe “communicating the particular fields of the parsed . . . message determined to satisfy the filtering criteria to that client console for display by that client console” where “each of a plurality of client consoles [have] associated filtering criteria.” *See* Claim 1.

In response to a user’s indication, *Chastain's* client parses the indicated electronic messages in order to generate a rule. *Chastain*, col. 7. l. 63 - col. 8, l. 11. The client then presents the rule to the user. *Id.*, col. 8, ll. 11-12. However, *Chastain* fails to disclose any communication of a parsed message to a client console, much less communicating the particular fields of the parsed network management message determined to satisfy the

filtering criteria to that client console. Moreover, Claim 1 requires communicating the particular fields of the parsed message determined to satisfy the filtering criteria to the client console “for each of a plurality of client consoles each having associated filtering criteria.” (emphasis added). *Chastain*’s single user interface for displaying proposed rules to a user does not disclose, either expressly or inherently, any of these aspects of Claim 1.

Thus, *Chastain* does not disclose, expressly or inherently, “communicating the particular fields of the parsed network management message determined to satisfy the filtering criteria to that client console for display by that client console,” as required by Claim 1. Independent Claims 9 and 14 include limitations that, for substantially similar reasons, are not disclosed by *Chastain*. Because *Chastain* does not disclose, expressly or inherently, every element of independent Claims 1, 9, and 14 and their respective dependent claims, Appellants respectfully request the Board to reverse the Examiner’s rejection of Claims 1-17 and direct the Examiner to issue a notice of allowance.

C. Dependent claims 5, 11, and 15 include additional separately patentable limitations.

For example, consider Claim 5, which recites:

The method of Claim 1, wherein the filtering criteria comprise a message type and a user type, and the fields satisfy the filtering criteria if a value for a selected one of the fields matches the message type and the user type indicates an authorization to receive the message.

Among other aspects, *Chastain* does not disclose a “user type” or that “the user type indicates an authorization to receive [a] message,” as required by Claim 5. In fact, *Chastain* fails to discuss any type of authorization. In the *Final Office Action*, the Examiner asserts that the “user type” is inherent, but fails to address or mention authorization. *Final Office Action*, p. 4. Even assuming, for the sake of argument, that *Chastain* inherently discloses a “user type,” *Chastain* cannot inherently disclose that the user type indicates an authorization, particularly when *Chastain* never mentions any type of authorization.

Therefore, *Chastain* fails to describe, expressly or inherently, all limitations of Claim 5. Dependent claims 11 and 15 have limitations that for substantially similar reasons are patentably distinct from the cited references. While not expressly discussed, other dependent claims provide further patentable limitations. Because *Chastain* does not disclose, expressly

or inherently, every element of dependent Claims 5, 11, and 15, Appellants respectfully request the Board to reverse the Examiner's rejection of at least Claims 5, 11, and 15 and direct the Examiner to issue a notice of allowance.

II. The proposed *Chastain-Gupta* combination fails to teach or suggest all limitations of Claim 18 and the proposed combination of *Chastain* and *Gupta* is improper.

Consider Appellants' Claim 18, which recites:

A communication system comprising:

a client operable to generate a common object request broker architecture (CORBA) command targeted at a network element and to communicate the CORBA command to a server;

the server operable to receive the CORBA command, to determine fields for a transaction language 1 (TL1) command based on the CORBA command, to generate the TL1 command using the fields, to communicate the TL1 command to the network element, and, for each of a plurality of client consoles each having associated filtering criteria, to determine whether particular ones of the plurality of fields of the parsed network management message satisfy the filtering criteria associated with that client console and to communicate the particular fields of the parsed network management message determined to satisfy the filtering criteria to that client console for display by that client console.

The Examiner rejects Claim 18 under 35 U.S.C. § 103(a) as unpatentable over *Chastain* in view of U.S. Patent No. 6,731,627 to Gupta et al. ("*Gupta*"). To establish a *prima facie* case of obviousness, there must be a suggestion or motivation in the prior art to modify or combine the references, and the combination of reference must teach or suggest all elements of the rejected claims. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). The Examiner's rejection of Claim 18 under 35 U.S.C. § 103 fails both of these requirements. First, even if the combination were proper, the proposed *Chastain-Gupta* combination fails to teach or suggest all elements of the claims. Second, there is no suggestion or motivation in the cited references or in the prior art to combine *Chastain* and *Gupta*. Also, *Chastain* and *Gupta* are non-analogous art and cannot be properly combined. See *In re Oetiker*, 977 F.2d 1443, 1446, 24 U.S.P.Q.2d 1443, 1445 (Fed. Cir. 1992) (requiring a reference to be analogous prior art in order to be relied upon under 35 U.S.C. § 103).

A. *Chastain* and *Gupta*, whether taken alone or in combination, fail to teach or suggest all limitations of Claim 18.

As explained above, Appellants have shown that *Chastain* fails to disclose all limitations of Claim 1. Claim 18 includes limitations that, for substantially similar reasons, are not taught or suggested by *Chastain*. *Gupta* fails to remedy the deficiencies of *Chastain*.

For at least this reason, *Chastain* and *Gupta*, whether taken alone or in combination, fail to teach or suggest all limitations of Claim 18. Because the references fail to teach all limitations of the claim, Appellants respectfully request the Board to reverse the Examiner's rejection of Claim 18 and direct the Examiner to issue a notice of allowance.

B. There is no teaching, suggestion, or motivation to combine or modify the teachings of the references.

Further, the proposed combination of *Chastain* and *Gupta* is improper because the prior art fails to suggest or motivate the proposed combination of the references. The factual inquiry whether to combine references must be thorough and searching. *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52, 60 U.S.P.Q.2d 1001, 1008 (Fed. Cir. 2001). This factual question cannot be resolved on subjective belief and unknown authority, but must be based on objective evidence of record. See *In re Lee*, 277 F.3d 1338, 1343-44, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002).

Nothing in *Chastain* or *Gupta* suggests or motivates the proposed combination. The Examiner, in the *Final Office Action*, merely states that the teachings of one reference would improve the teachings of another reference:

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chastain in view of Gupta to provide [some elements of Claim 18]. One would be motivated to do so to allow applications to communicate with each other regardless of their location or who design [sic] them.

Final Office Action, page 7.

The motivation provided represents the subjective belief of the Examiner, is not substantiated by any known authority, and therefore is not based on objective evidence of record. Thus, the record fails to provide the required evidence of a teaching, suggestion, or

motivation to combine or modify the references, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

Appellants thus respectfully request the Board to find the proposed *Chastain-Gupta* combination improper, reverse the Examiner's rejection of Claim 18, and direct the Examiner to issue a notice of allowance.

C. *Chastain* and *Gupta* are non-analogous art and cannot be properly combined.

Finally, the *Chastain-Gupta* combination is improper because the references are not analogous prior art. "In order to rely on a reference as a basis for rejection of an Appellant's invention, the reference must either be in the field of Appellant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 U.S.P.Q.2d 1443, 1445 (Fed. Cir. 1992). "A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention when considering his problem." *In re Clay*, 966 F.2d 656, 659, 23 U.S.P.Q.2d 1058, 1060-61 (Fed. Cir. 1992).

Chastain and *Gupta* are non-analogous art. *Chastain* deals with automatically creating rules to process electronic messages in response to a user's actions, while *Gupta* deals with a method for transmitting voice packets over in-home wiring to a gateway operable to convert between the voice packets and a circuit format compatible with a local digital voice switch. The art units of the two references further highlight that *Chastain* and *Gupta* are non-analogous, as there is no overlap between the U.S. classifications or fields of search for the two references.

For at least these reasons, Claim 18 is patentable over *Chastain* and *Gupta*. Appellants respectfully request the Board to reverse the Examiner's rejection of Claim 18 and direct the Examiner to issue a notice of allowance.

CONCLUSION

Appellants have demonstrated that the present invention, as claimed in Claims 1-18, is patentably distinct from the cited art. Accordingly, Appellants respectfully request that the Board reverse the final rejection and instruct the Examiner to issue a Notice of Allowance of Claims 1-18.

Appellants believe no fee is due; however, the Commissioner is hereby authorized to charge any extra fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Customer No. **05073**

Appendix A: Claims Involved In Appeal

1. (Previously Presented) A method for processing a network management message comprising:

receiving a network management message;

parsing the network management message into a plurality of fields; and

for each of a plurality of client consoles each having associated filtering criteria:

determining whether particular ones of the plurality of fields of the parsed network management message satisfy the filtering criteria associated with that client console; and

communicating the particular fields of the parsed network management message determined to satisfy the filtering criteria to that client console for display by that client console.

2. (Original) The method of Claim 1, wherein the network management message comprises American Standard Code for Information Interchange (ASCII) text.

3. (Original) The method of Claim 1, wherein the filtering criteria for each of the client consoles comprise a message type.

4. (Original) The method of Claim 1, wherein the filtering criteria for each of the client consoles comprise a user type for the client console.

5. (Original) The method of Claim 1, wherein the filtering criteria comprise a message type and a user type, and the fields satisfy the filtering criteria if a value for a selected one of the fields matches the message type and the user type indicates an authorization to receive the message.

6. (Original) The method of Claim 1, further comprising:
receiving a request from a new client console, the request comprising an identifier for
the new client console filtering options selected for the new client console;
determining a user type for the new client console based on the identifier; and
generating filtering criteria for the new client console based on the filtering options
and the user type.

7. (Original) The method of Claim 6, further comprising generating an entry in a
filter table comprising the identifier and the filtering criteria.

8. (Original) The method of Claim 1, wherein the network management
message comprises a response from a command issued by a client, further comprising:
determining a message identifier from the fields;
determining a client identifier associated with the message identifier;
identifying the client based on the client identifier;
generating a second message comprising the fields and the client identifier; and
communicating the second message to the client.

9. (Previously Presented) Logic for processing a network management message,
the logic encoded in a storage medium and operable to:

receive a network management message;
parse the network management message into a plurality of fields; and
for each of a plurality of client consoles each having associated filtering criteria:
determine whether particular ones of the plurality of fields of the parsed
network management message satisfy the filtering criteria associated with that client console;
and
communicate the particular fields of the parsed network management message
determined to satisfy the filtering criteria to that client console for display by that client
console.

10. (Original) The logic of Claim 9, wherein the network management message
comprises American Standard Code for Information Interchange (ASCII) text.

11. (Original) The logic of Claim 9, wherein the filtering criteria comprise a message type and a user type, and the fields satisfy the filtering criteria if a value for a selected one of the fields matches the message type and the user type indicates an authorization to receive the message.

12. (Original) The logic of Claim 9, further operable to:

receive a request from a new client console, the request comprising an identifier for the new client console filtering options selected for the new client console;

determine a user type for the new client console based on the identifier; and

generate filtering criteria for the new client console based on the filtering options and the user type.

13. (Original) The logic of Claim 9, wherein the network management message comprises a response from a command issued by a client, the logic further operable to:

determine a message identifier from the fields;

determine a client identifier associated with the message identifier;

identify the client based on the client identifier;

generate a second message comprising the fields and the client identifier; and

communicate the second message to the client.

14. (Previously Presented) An apparatus for processing a network management message comprising:

means for receiving a network management message;

means for parsing the network management message into a plurality of fields; and

for each of a plurality of client consoles each having associated filtering criteria:

means for determining whether particular ones of the plurality of fields of the parsed network management message satisfy the filtering criteria associated with that client console; and

means for communicating the particular fields of the parsed network management message determined to satisfy the filtering criteria to that client console for display by that client console.

15. (Original) The apparatus of Claim 14, wherein the filtering criteria comprise a message type and a user type, and the fields satisfy the filtering criteria if a value for a selected one of the fields matches the message type and the user type indicates an authorization to receive the message.

16. (Original) The apparatus of Claim 14, further comprising:
means for receiving a request from a new client console, the request comprising an identifier for the new client console filtering options selected for the new client console;
means for determining a user type for the new client console based on the identifier;
and
means for generating filtering criteria for the new client console based on the filtering options and the user type.

17. (Original) The apparatus of Claim 14, wherein the network management message comprises a response from a command issued by a client, further comprising:
means for determining a message identifier from the fields;
means for determining a client identifier associated with the message identifier;
means for identifying the client based on the client identifier;
means for generating a second message comprising the fields and the client identifier;
and
means for communicating the second message to the client.

18. (Previously Presented) A communication system comprising:
a client operable to generate a common object request broker architecture (CORBA) command targeted at a network element and to communicate the CORBA command to a server;
the server operable to receive the CORBA command, to determine fields for a transaction language 1 (TL1) command based on the CORBA command, to generate the TL1 command using the fields, to communicate the TL1 command to the network element, and, for each of a plurality of client consoles each having associated filtering criteria, to determine whether particular ones of the plurality of fields of the parsed network management message satisfy the filtering criteria associated with that client console and to communicate the particular fields of the parsed network management message determined to satisfy the filtering criteria to that client console for display by that client console.

19-20. (Previously Withdrawn)

Appendix B: Evidence

NONE

ATTORNEY DOCKET NO.
064731.0218

PATENT APPLICATION
SERIAL NO. 09/824,997

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Appendix C: Related Proceedings

NONE